

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re: FATIRA D. ELHADI)
Debtor(s))
SANTANDER CONSUMER USA INC.) CHAPTER 13
dba CHRYSLER CAPITAL) Case No.: 17-10375 (JKF)
Moving Party)
v.) Hearing Date: 12-6-17 at 9:30 AM
FATIRA D. ELHADI)
CHARLES P. JAYNES) 11 U.S.C. 362
Respondent(s)) 11 U.S.C. 1301
FREDERICK L. REIGLE)
Trustee)
)

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Santander Consumer USA, Inc. dba Chrysler Capital (“Santander”) filing this its Motion For Relief From The Automatic Stay And Co-Debtor Stay (“Motion”), and in support thereof, would respectfully show:

1. That on January 19, 2017, Fatira D. Elhadi filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361, 362, 1301, and 28 U.S.C. 157 and 1334.
3. On October 21, 2013, the debtor and co-debtor Charles P. Jaynes entered into a retail installment contract for the purchase of a 2012 Dodge Durango bearing vehicle identification number 1C4SDHDT2CC107036. The contract was assigned to Chrysler Capital and the debtor(s) became indebted to Chrysler in accordance with the terms of same. Chrysler Capital is designated as first lien holder on the title to the vehicle and holds a first purchase money security interest in the vehicle. A true copy of the contract and title to the vehicle are annexed hereto as Exhibits A and B. Santander Consumer USA Inc. does business as Chrysler Capital.

4. As of November 1, 2017, the debtor's account with Santander had a net loan balance of \$22,382.58.

5. According to the November 2017 NADA Official Used Car Guide, the vehicle has a current retail value of \$16,900.00.

6. The debtor's account is past due post-petition from February 15, 2017 to November 15, 2017, with arrears in the amount of \$6,368.30.

7. Santander Consumer USA Inc. dba Chrysler Capital alleges that the automatic stay and co-debtor stay should be lifted for cause under 11 U.S.C. 362(d)(1) and 1301 in that Santander lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) The debtor is failing to make payments to Santander and is failing to provide Santander with adequate protection.

(b) Santander has been unable to verify if the vehicle is insured; if the debtor contests this Motion, she must provide Santander with proof of valid, current insurance on the vehicle by the date of the hearing.

WHEREFORE PREMISES CONSIDERED, Santander Consumer USA Inc. dba Chrysler Capital respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to Santander to permit Santander to seek its statutory and other available remedies; (2) that the co-debtor stay will be terminated as to Santander to permit Santander to seek its statutory and other available remedies; (3) that the stay and co-debtor stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (4) Santander be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

William E. Craig

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Local Counsel for Santander Consumer USA Inc.

dba Chrysler Capital